REMARKS

Applicants have carefully reviewed the instant office action. This response is believed to address all grounds for rejection and Applicants believe that this response places the Application in a condition for allowance.

Non-delivery of the Office Action by the US Postal Service

Applicants hereby report that the office action was never delivered to them; rather on or about November 6, 2003, Applicant Chaganti voluntarily called the Examiner to find the status of the application, which was to have been allowed by then. It turns out that on or about June 14, 2003, another office action rejecting most of the claims was mailed, but to the Kendall Avenue, Palo Alto, CA address. Apparently when the U.S. Post Office returned that office action to the PTO, the PTO sent another office action on or about July 12, 2003 to the Sheridan Avenue, Palo Alto, CA address. By then Applicant Chaganti has provided a change of address with the U.S. Postal Service the Los Angeles, CA address, and he never received the July 12, 2003 office action. Applicant also filed his change of address associated with his Customer Number 24490 and with the Office of Enrollment and Discipline based on his registration with the USPTO.

After numerous conversations with the PTO Customer Service and Examiner Darrow, Applicant could not receive a copy of the office action in time to meet the deadline for filing late by one month. On or about November 14, 2003, Applicant Chaganti, unable to reach Examiner Darrow, left a voice mail message to the Supervisory Examiner, Mr. Gilberto Barrón, Jr., requesting him to assist in sending a copy of the office action by fax. About a week later, on 11/18/2003, Examiner Darrow sent the office action via fax. Applicant thanks Examiners Barrón and Darrow for the courtesy. But the issue of whether the late-filing fee is to be paid in view of the confusion with the mailing is still unresolved. Applicants request Examiner Darrow to refund the petition fee for extension of time, and consider the instant filing as timely filed.

Request to Assign this Case to Customer Number 24490

Please assign this case to Customer Number **24490** and direct all future correspondence to the address associated with that Customer Number. That number is assigned to the Law Offices of Naren Chaganti.

Renumbering Claims as Claims 48-77 and Amendments in a Prior Response

Applicants inserted the language "by the first party" in the independent claims to secure allowance after discussion with the Examiner. Further, Applicants renumbered the claims believing that the claims were ready to be allowed, following a discussion with the Examiner.

Claim Amendments to overcome objections under 35 U.S.C. §112

Claims 69, 72 and 73 are amended to overcome the objections stated in the office action. The amendments are suggested by the Examiner, and do not add any new matter. Because these claims do not broaden the existing claims, a new search is not warranted as a result of the changes. See M.P.E.P. § 706.07(a). Applicants respectfully request that the Examiner review and enter the changes.

Claim objections - 50, 51 and 76

The Office Action stated that claims 50, 51 and 76 have allowable subject matter and would be allowable if rewritten in independent form including all of the limitations of the base claim upon which they depend (including any intervening claims). Applicants thank the Examiner for the indication, but will present arguments at this time to secure allowance of the rejected claims.

Claim rejections under 35 U.S.C. § 102(e) - Fortenberry USP 6,005,939 A

The Office Action rejected claims 48-49, 53-60, 63-65, 68-70, 74-75 and 77 under 35 U.S.C. § 102(e) as being anticipated by Fortenberry USP 6,005,939 A. Applicants cited Fortenberry in an Information Disclosure Statement filed with the instant patent application on January 7, 2000. Applicants respectfully traverse this rejection for the following reasons. Applicants present their arguments with respect to the independent claim 48. Claim 48 recites as follows.

assigning, by the first party, at least one of a plurality of security levels to each information object at any granularity, thereby enabling access to individually selected portions of the first party's personal information by individual receiving parties;

Fortenberry does not disclose or suggest this step. Instead, Fortenberry states as follows.

> The passport 304 includes a second field corresponding to a security level field 306. A security level is assigned to each item of user information included in the passport data field 305. Thus, for example, if data in field 305 is assigned a security level of 0 then the data is clear. Alternatively, if the data is assigned a security level of 1 then the data is secured via a security technique such as an encryption technique. The passport 304 also includes a key field 308. One or more keys for encryption and decryption may be stored in key field 308.
>
> Referring to FIG. 4, a flow diagram illustrating the process steps to create a passport is shown. Coding of the process steps of the flowchart of FIG. 4 into instructions suitable to control the computer systems in the passport agent 216 and the user system 208 will be understood by those having ordinary skill in the art of programming. First, the user sends a request to generate a passport to passport agent 216, as illustrated by process step 400. The passport agent receives the request, as illustrated by process step 402, and opens a secure communication channel between the passport agent and the requesting user, as illustrated by process 404. Passport agent 216 then presents to the user a series of queries which may be in the form of menus, as illustrated by process block 406. In response, the user enters the requested information such as social security number, drivers license number, etc., and a corresponding level of security to protect the information item, as illustrated by process blocks 408 and 410. The user specified information is referred to herein as user information or environmental variables. The security levels assigned to each item of user information or environment variables range from highly secure to public. For example, particularly sensitive information may be designated as highly secured and assigned a high security level of 100 on an exemplary scale of 0-100 levels. Less sensitive information may be designated as less secured or even public and assigned a lower security level approaching or equal to zero. Next, passport agent 216 provides a public key to the user to access the passport data, as illustrated by process 418. Finally, the user's information which collectively comprises the Internet passport is stored and maintained in a highly secured server site on the Internet which serves as the passport agent and guarantees the integrity of the users passport, as illustrated by process block 420.
>
> Security keys are delivered to the passport requestor also in a secure manner. As mentioned above, several security keys may be given to a user, such that access to information may be granted at various levels such as real-ID (very secure), virtual-ID and less private information classes. In this manner, the passport agent protects the passport information provided by the user.
>
> When the passport agent sends passport information to the web server on behalf of the passport holder, the private key is used to encrypt

the specific information authorized by the passport holder. When the vendor's server receives passport data from the passport agent, one of the public keys sent by the user is used to unlock the passport data. If the public key does not unlock the passport data, the vendor's server simply ignores the users request.

A security level is also used to assign an encryption key based on a user's password. The encryption method uses the concept of public and private keys so that the public key is given the user to access passport data and the passport agent presents the encrypted user data based on the private key. No one but the passport agent on the Internet has access to the private key. The passport owner has a copy of the public key.

Referring now to FIG. 5, a flowchart illustrating the process steps for providing access to a users internet passport via passport agent is illustrated. The coding of the process steps of the flowchart of FIG. 5 into instructions suitable to control passport agent 216, web site 210 and user 208 will be understood by those ordinary skill in the art of programming. First, the user requests a transaction with a particular vendor, i.e., web site 210, as illustrated by process block 502. Next, the user provides a public key to the vendor, as illustrated in process block 504. The public key was previously provided to the user by passport agent 216. Next, the user requests that passport agent 216 send the user's passport to the vendor, as illustrated by process block 506. This message is encrypted with a security key obtained by the user via a secured method. The vendor requests relevant information contained in the user environment variables from the passport agent, as illustrated by process block 508. The request for information is specified in the message as follows: RELEASE-TYPE TO INTERNET-SITE ON BEHALF OF MY-USER-ID. For example, when requesting the passport agent to release social security number information, the message looks like: RELEASE SOCIAL-SECURITY-NUMBER TO WEB-SITE-X ON BEHALF OF MY-USER-ID. Passport agent 216 receives the request for the information, as illustrated by process block 510 and, based on the security level of the identified information, determines whether or not the requested information should be transmitted to the vendor in encrypted form, as illustrated by decisional block 512. If the information is to be encrypted, an encryption process is carried out by passport agent 216, as illustrated by process block 514.

Col. 7, line 24 - Col. 8, line 53.

The office action relied on the cited portions to argue that the cited language anticipated the instantly rejected claim 48. However, there is no mention of the assignment of security levels at any granularity, and further, Fortenberry does not state that the security levels can be assigned so as to allow individually selected portions of the information objects to be released to different receiving parties. There are other

differences between Fortenberry and the instant application. Because these features clearly distinguish the instantly rejected claims from Fortenberry, all the claims so rejected under 102(e) are believed to be patentable. Further, because claim 48 is believed to be patentable, all claims dependent on claim 48 are also believed to be patentable. Reconsideration is respectfully requested.

Claim 63

The Office Action states that Fortenberry discloses name, address, and credit card number, but claim 63 does not limit to these alone. Claim 63 applies to a variety of classes of information of a user.

Claims 74-77

As to Claim 74, the Office Action states that Fortenberry disclosed the steps:

generating an authorization key;

providing the authorization key to the second party; and

encoding the authorization key with at least one of a plurality of criteria.

But Fortenberry relies on the public key encryption system, *see* Col. 8, lines 17-22, and therefore does not "generate" or "encode" the authorization key. The public-private encryption system does not contemplate encoding the authorization key with certain criteria. Further, the public-private encryption system does not generate a key for a transaction; rather, the public and private keys are static and fixed. In that system, the secrecy of the private key is what determines the secrecy of the information. In the instant case, in contrast, a user-defined authorization key is generated at the time and for the purpose (or for the particular recipient, or for the number of requests, etc.) of the transaction. Therefore, Claims 74-77 are patentable for this reason. Reconsideration is respectfully requested.

Applicant requests a telephone interview prior to the Examiner's next action.

Rejection of Claims 52, 61-62, 66-67, and 71-73 under 35 U.S.C. §103(a)

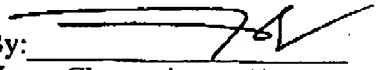
The office action rejected claims 52, 61-62, 66-67 and 71-73 based on the primary reference of Fortenberry and further combining with other references that

were cited in earlier office actions, e.g., Moozakis, Rozen and Ho. But as has been argued earlier, these references do not meet the test for combinability, which is, that the references should motivate or suggest one of ordinary skill in the art to so combine, which motivation or suggestion can come only from the references themselves. In so far as Fortenberry does not discuss the features of claims 52, 61-62, 66-67 and 71-73 nor does Fortenberry suggest that it could be combined with Moozakis, Rozen or Ho, or vice versa, one of ordinary skill in the art would not have been motivated to combine these references at the time the instant invention was made. Because the legal test for obviousness is not met, Applicants request a withdrawal of this rejection.

Conclusion

For the foregoing reasons, Applicants request reconsideration and a notice of allowance. A Credit Card authorization for $210 is enclosed for the two-month extension of time.

Respectfully submitted,



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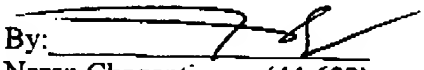
Certificate of Faxing

I certify that on the date shown below the foregoing was faxed to (703) 746-7239.

Date: December 12, 2003



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